



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

**EIGHT MILE STYLE, LLC; MARTIN
AFFILIATED, LLC,**

Plaintiffs,

vs.

**SPOTIFY USA INC.; HARRY FOX AGENCY,
LLC,**

Defendants.

Civil Action No. 19-cv-00736

District Judge Aleta A. Trauger

**MOTION FOR RECONSIDERATION OF
ORDER GRANTING MOTION FOR LEAVE
TO FILE *AMICUS CURIAE* MEMORANDUM**

SPOTIFY USA INC.,

Third-Party Plaintiff,

vs.

**KOBALT MUSIC PUBLISHING AMERICA,
INC.,**

Third-Party Defendant.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 60(b), Plaintiffs Eight Mile Style, LLC and Martin Affiliated, LLC (collectively, “Eight Mile Style”) respectfully move this Honorable Court to reconsider its granting of the Motion for Leave to File *Amicus Curiae* Memorandum of Law in Support of Defendant Spotify USA Inc.’s Opposition to Plaintiffs’ Motion for Summary Judgement filed by third-party Digital Media Association (“DIMA”) (Doc. No. 469, Granted at Doc. No. 470). In support of this motion, Eight Mile Style states as follows:

1. DIMA filed its motion for leave to file its brief on Friday evening January 19, 2024. In its Local Rule 7.01 Certification, it used the confusingly phrased statement (with emphasis added):

In Compliance with Local Rule 7.01(a)(1), counsel for Digital Media Association has conferred with counsel for all Parties in this action. **All Parties, including the United States, consent to the relief requested,** except for Plaintiffs, who have indicated that they plan to object.

2. Although DIMA’s Rule 7.01(a)(1) statement did accurately reflect Plaintiffs’ objection, it began the phrase as “All Parties, including the United States consent to the relief requested...”

3. On Sunday evening, January 21, counsel for Eight Mile Style emailed Your Honor’s Chambers to advise that Eight Mile Style planned to file its objections to DIMA’s motion for leave no later than Wednesday January 24. *See* Ex. 6. Eight Mile Stile, of course, does not know whether the Court was aware of Counsel’s email when the Court granted DIMA’s Motion just one-half business day later on Monday January 22, 2024.

4. As explained in greater detail in the memorandum of law filed simultaneously herewith, Spotify is one of only six (6) members of DIMA, and through much of 2023, a senior executive of Spotify sat on the DIMA Board of Directors. DIMA is essentially one and the same